

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIM. CASE NO. 2:21-cr-454-ECM
	)	(WO)
XIAOQIN YAN	)	

**ORDER**

On June 24, 2022 the Court received a forensic report of Amor Correa, Ph.D., a qualified expert in the field of forensic psychology. (Doc. 57). In the report, Dr. Correa outlined her findings that Defendant Yan is competent to stand trial and that she is not “suffering from a mental disease or defect which would render her unable to understand the nature and consequences of the proceedings against her, to assist properly in her defense, or to understand the consequences and significance of pleading guilty to the charges against her.” (*Id.* at 9–10). In the report, Dr. Correa notes that “[d]iagnoses of Psychotic Disorders have been ruled out,” and that Yan “did not present with any major mental health symptoms during the evaluation period that would prevent her from being a competent defendant if she so chooses.” (*Id.* at 9).

Counsel for Yan does not dispute Yan’s competency to stand trial or assist in her defense, nor does she request a hearing on the issue of competency. (Doc. 69). For these reasons, and because neither party has requested a competency hearing, the Court finds that a competency hearing is not required for the Court to make a determination as to Defendant Yan’s competency to stand trial. *See United States v. Johns*, 390 F. App’x 963, 969 (11th Cir. 2010) (“Due process requires that an adequate hearing be held on

competency when the evidence raises a bona fide doubt as to defendant's competency to stand trial . . . .") (quoting *Fallada v. Dugger*, 819 F.2d 1564, 1568 (11th Cir. 1987) (internal citations omitted)); *United States v. Williams*, 262 F. App'x 165, 173 (11th Cir. 2008) ("A district court may rule on [the issue of defendant's competency] without [the] benefit of a full dress hearing as long as the court has no 'bona fide doubt' as to the competence of the defendant.") (quoting *United States v. Nickels*, 324 F.3d 1250, 1252 (11th Cir. 2003)).

After consideration of the evidence, the Court credits the conclusions of Dr. Correa and finds that there is no bona fide doubt that Defendant Xiaoqin Yan is competent to stand trial. Accordingly, it is

ORDERED that, as set previously, jury selection and trial in this matter are set on the criminal term set to commence on **October 17, 2022, at 10:00 a.m.** in Montgomery, Alabama.

Done this the 16th day of August, 2022.

/s/Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE